19 41

K

File No. B·Crpc/41

Legal DEPARTMENT

B BRANCH

Subject:—

A Bill to amend
the Code of Criminal Procedure
1898 in its application to the
Province of Bombay

(Amendt of s 162)

Bom XII of 1941

F 13

File No. B: Crpc/41
(amendt of s. 162)
Std. Sectt. Slip 24 B e.

509-B

CONTENTS

Legal Department File No B. crpc /41

Serial No.	Compilation No.	Subject	Pages
		A Bill to amend the code of Criminal Procedure,1898.	1to 7
1.	U. No 2378 17/3/41 G.H.L.D.No36-L 17/6/41	Bill sent for Publication in E.G.G.	
2.	U. No. 5464 19-6-41	Govt. of India Act 1935,sec 92(1) notification under	13-15

H.R.D.
10/4/56.

CONTENTS

Legal Department File No B. crpc /41

Serial No.	Compilation No.	Subject	Pages
		A Bill to amend the Code of Criminal Procedure,1898.	1to 7
1.	U. No 2328 17/3/41 G.R.I.D.No36-L 17/6/41	Bill sent for Publication in B.G.G.	9
2.	U. No. 5464 19-6-41	Govt. of India Act 1935,sec 92(1) notification under	13-15

B.R.D.
10/4/56.

repugnant to the existing provision of the Criminal procedure and the bill therefore requires to be reserved for the consideration of the Governor General with reference to section 107(2) of the Govt. of India Act.

Sd/-
18/2/

As amended, Reply may be A-A above

Sd/-
3/3

D.S. Sd/-
7/3

R.L.A Sd/-
12/3

M.R.D.
10/3/36.

R.I.NO. 1220
5-2-40

U.R. from H.D. No. 3628/A dated 3-2-41 re: amendment of S. 162 (2) of the Code of Criminal Procedure, 1898

Submitted.

Sd/-
5/2/

S.S.

The R.L.A. is asked to prepare the necessary Bill to amend section 162 of the Code of Criminal Procedure, 1898 to resolve the conflict which has arisen over the interpretation on that section and section 27 of the Indian Evidence Act, 1872.

2. The Punjab amendment made in section 2 of the Pubjab Act XI of 1940 at P.5 ante does not appear to be precise. It puts the reference to section 27 of the Indian Evidence Act in Sub-section(2) of section 162of the Cr.P.C.after the existing reference to section 32 i that Sub-section. It is not necessary to make the addition at the end. It would be more appropriate to inser the necessary proposed provision that nothing in sectio 162 shall affect the operation of section 27 of the Evidence Act before the reference to statement falling within the provision of section 32.

3. The requisite draft Bill is appended.

4. The Bill requires the previous approval of the Governor General under executive instructions.

5. As the subject matter of the Bill falls under entry 2 concurrent Legislative List. to the Govt. of India Act. The provisions of the Bill are repug-

R.L.A'S Office.

The requisite draft Bill is appended.

2. The Bill requires the previous approval of the Governor General under executive instructions.

3. The Subject matter of the Bill falls under entry 2 in the Concurrent Legislative List in the 7th Schedule to the Government of India Act. 1935. The provisions of the Bill are repugnant to the existing provisions of the Criminal Procedure Code, 1898, and the Bill therefore reqires to be reserved for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

Sd/-
15/3

Remembrancer of Legal Affairs.

U.R. to H.D. No 2378 Dated 17/3/41

M.R.D.
10/4/56.

GOVERNOR'S BILL NO. OF 1941.

A Bill to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay.

WHEREAS it is expendient to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay for the purpose hereinafter appearin appering;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo,5,ch.2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:-

Short title.

1. This Act may be called the Code of Criminal Procedure (Bombay Amendment) Act,1941.

Amendment of section 162 of Act V of 1898.

2. In Sub-section(2) of section 162 of the Code of Criminal Procedure, 1898,in its application to the Province of Bombay, for the words, figures and brackets"apply to any statement falling within the provisions of section 32, clause(1), of the Indian Evidence Act, 1872," the following shall be substituted, namely:

"affect the provisions of section 27 o the Indian Evidence Act, 1872, or to apply to any statement falling within the provisions of clause(1)of secti 32 of that Act."

M.R.D.
10/4/56.

Acts.

Publication of the Code of Criminal Procedure(Bombay Amendment) Act,1941.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No.36-d-

Bombay Castle, 17th June 1941.

Letter to the Secretary to the Governor, No.4504, dated the 16th May 1941.

Letter from the Secretary to the Governor,No.201(30)

dated the 16th June 1941.

"With reference to your letter No.4504,dated the 16th May 1941, I am directed to forward herewith the authentic copy of the Bill to amend the Code of Criminal Procedure, 1898,in its application to the Province of Bombay, with His Excellency the Governor-General's assent signified thereon."

RESOLUTION:- The law should be published as Bomb Act NoXII of 1941, in the Bombay Government Gazette dated the 19th June 1941.

2. The Act should be translated into Marathi,Gujarat Kannada and Hindustani(in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government.

3. A copy of the Act should be forwarded tothe Home Department with reference to the Memorandum from that Department No. 3823/4,dated the 14th May 1941.

By order of the Governor of Bombay,

Sd/-

(B.N.MOOS,
For(Secretary to Government.

To

The Manager, Government CentralPress, Bombay(with a copy of the Act and with a reqest that 15 gazett copied of the Act may be fowarded to the Legal Depatment).

P.T.O

The Home Department.) with a
*The Oriental Translator to Government) copy of
The Secretary to the Bombay Legislative Council.) the
The Secretary to the Bombay Legislative Assembly.) Act.

*with five extra copies.

M.R.D.
10/4/56.

9 11-

Legal Department.

Governor's Bill No. X of 1941 (Code of Criminal procedure(Bombay Amendment Bill) has received the assent of the Governor General on the 10th June 1941 and it is't being published as Bombay Act XII of 1941 in the Bombay Government Gazette dated the 19th June 1941.

2. A draft notification under section 92(1) of the Government of India Act, 1935, for applying the Act to partially excluded areas in the Province is furnished herewith to the Home Department.

Sd/-

For Secretary to the Government of Bombay, Legal Department.

1412.0
10/4186
11/4

W.R. to H.D. No.5464 dated the 19th June 1941.

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the ~~X~~ Governor General on the 10th June 1941 is hereby published for general information.

P.N.Moos,
Secretary to the Government of Bombay,
Legal Department.

Bombay Act. No. XII of 1941.

(First published, after having received the assent of the Governor-General in the "Bombay Government Gazette" on the * June 1941).

Press. Please insert here the date of the publication of the Act in the "Bombay Government Gazette".

An Act to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay.

V of 1898 WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay for the purpose hereinafter appearing;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:-

Short title.

1. This Act may be called ~~the~~ the Code of Criminal Procedure (Bombay Amendment) Act, 1941.

Amendment of Section 162 of Act V of 1898.

2. In sub-section (2) of section 162 of the Code of Criminal Procedure, 1898, in its application to the Province of Bombay, for the words, figures and brackets " apply to any statement falling within the provisions of section 32, clause (1), of the Indian Evidence Act, 1872" the following shall be substituted, namely:-

"affect the provisions of section 27 of the Indian Evidence Act, 1872, or to apply to any statement falling within the provisions of clause (1) of section 32 of that Act."

NOTIFICATION.

Home Department.
Bombay Castle, June 1941.

No. .-In exercise of the powers conferred by sub-section(1) of section 92 of the government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the Code of Criminal Procedure(Bombay Amendment Amendment) Act, 1941(Bom.XII of 1941). shall apply to the partially excuded areas in the province of Bombay.

By order of the governor of Bombay

Secretary to Government

M.R.D.
10/4/86